

SECTION 2

DEFINITIONS

SECTION 2-1.

For the purpose of this Ordinance, certain words and terms used herein shall be interpreted or defined as follows:

- 2-1-1 Words used in the present tense include the future tense; words used in the plural number, and words in the plural numbers include the singular number, unless the obvious construction of the wording indicated otherwise.
- 2-1-2 The word "lot" includes the word "parcel".
- 2-1-3 The word "shall" is mandatory; "may" is permissive.
- 2-1-4 The word "approve" shall be considered to be followed by the words "or disapprove".
- 2-1-5 Any reference to this Ordinance includes all ordinances amending or supplementing the same.
- 2-1-6 All distances and areas refer to measurement in a horizontal plane.

SECTION 2-2.

The following words and terms when used in this Ordinance shall have the meaning respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning.

- 2-2-1 ADMINISTRATOR: The official charged with the enforcement of this Ordinance.
- 2-2-2 ALLEY: A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.
- 2-2-3 BUILDING LINE OR SETBACK: The minimum distance by which any building must be separated from the street right-of-way line.
- 2-2-4 CITY ENGINEER: The City Engineer of the City of Winchester, Virginia.

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- 2-2-5 **COMPREHENSIVE PLAN:** The Comprehensive Plan adopted by the Common Council of the City of Winchester by Ordinance on the 12th day of November, 1974 and amendments thereto.
- 2-2-6 **COMMISSION:** The Planning Commission of the City of Winchester, Virginia.
- 2-2-7 **CUL-DE-SAC:** A Category I street with only one outlet and a turnaround with a right-of-way radius of not less than fifty feet and a paved radius of not less than forty feet. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-8 **DEVELOPER:** An owner of property being subdivided, whether or not represented by an agent.
- 2-2-9 **EASEMENT:** A grant by a property owner of the use of land for a specific purpose or purposes.
- 2-2-10 **ENGINEER:** An engineer licensed by the Commonwealth of Virginia.
- 2-2-11 **FIRE CHIEF:** The Fire Chief of the City of Winchester, Virginia.
- 2-2-12 **GOVERNING BODY:** The Common Council of the City of Winchester.
- 2-2-13 **HEALTH OFFICIAL:** The Health Director or Sanitarian of the Winchester-Frederick County Health Department.
- 2-2-14 **HIGHWAY ENGINEER:** The Resident Engineer employed by the Virginia Department of Highways who has jurisdiction in Winchester, Virginia.
- 2-2-15 **JURISDICTION:** The area or territory subject to the legislative control of the governing body.
- 2-2-16 **LOT:** A numbered and recorded portion of a subdivision intended for transfer or ownership or for building development.
- 2-2-17 **LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front (for the purpose of determining required setbacks) shall be deemed to be the shorter of the two (2) sides fronting on streets.
- 2-2-18 **LOT, DEPTH OF:** The average horizontal distance between the front and rear lot lines.
- 2-2-19 **LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two (2) sides.
- 2-2-20 **LOT, INTERIOR:** A lot other than a corner lot.

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- 2-2-21 LOT OF RECORD: A lot, a plat, or description of which has been recorded in the Clerk's office of the Circuit Court.
- 2-2-22 LOT, WIDTH OF: The horizontal distance between side lot lines at the setback line.
- 2-2-23 MOBILE HOME: A vehicular, portable dwelling structure, designed as a permanent residence, fully equipped with living quarters, equipment, and appurtenances; double, expandable, or non-expandable in accordance with U.S.A.-A119.1 Standard for Mobile Homes 1972 currently in use or as may be amended by the U.S.A. Committee on Mobile Homes and Travel Trailers. It shall be further defined as a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels, or on a flatbed or other trailer, and arriving at site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembling operation, location on jacks or permanent foundation, connected to utilities and the like. Its design and type shall be clearly identified by the manufacturer, by visible identifiable seal or plate of a permanent nature, as a mobile home. Its requirements for transit from site to site shall be in accordance with the Motor Vehicle Code of Virginia (1950) as amended. This definition shall not apply to travel trailers used for recreational purposes.
- 2-2-24 PLAT: Includes the terms: map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide".
- 2-2-25 PROPERTY: Any tract, lot, parcel or several of the same collected together for the purpose of subdivision.
- 2-2-26 RIGHT OF WAY: A strip of land which is a legal right of passage for utilities over another person's ground.
- 2-2-26.1 RIGHT OF WAY/STREET: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-27 ROAD: A road shall be defined as a street.
- 2-2-28 STORM DRAINAGE REPORT: The Storm Drainage Report adopted by the Common Council of the City of Winchester.
- 2-2-29 STREET: A public thoroughfare; the principal means of access to abutting property.

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- 2-2-30 STREET OR ALLEY, PUBLIC USE OF: The unrestricted use of a specific area or right of way for ingress and egress to two or more abutting properties.
- 2-2-31 STREET, CATEGORY I: A street or road that carries a present or anticipated traffic volume not exceeding 5000 vehicles per day, a maximum grade of 9%, a design speed up to 35 miles per hour, a minimum street width of 36 feet and a minimum right of way width of 50 feet. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-32 STREET, CATEGORY II: A street or road that carries a present or anticipated traffic volume from 5,000 to 8,000 vehicles per day; a maximum grade of 9%, a design speed up to 35 miles per hour, a minimum street width of 40 feet, and minimum right of way width of 60 feet. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-32.1 STREET, CATEGORY III: A street or road that carries a present or anticipated traffic volume greater than 8,000 vehicles per day; a maximum grade of 9%, a design speed up to 50 miles per hour, a minimum street width of 48 feet, and a minimum right of way width of 70 feet. On street parking shall not be allowed. Access shall be limited to intersections with public streets and curb cuts to private property that are no closer than 300 feet. When this type of street is used as the entrance to a subdivision of more than 25 lots a landscaped median may be required. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-33 STREET, SERVICE DRIVE: A public right of way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right of way by providing safe and orderly points of access to the highway.
- 2-2-34 STREET, WIDTH: The total width of the improved portion of the street right of way which would include pavement, curb, and gutter; the distance between curb faces. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-35 SUBDIVIDE: To divide or resubdivide any tract, parcel or lot of land into two or more parts or create a new division line. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined below.
- 2-2-36 SUBDIVIDER: An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

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- 2-2-37 SURVEYOR: A certified land surveyor licensed by the Commonwealth of Virginia to lay out and plan subdivisions.
- 2-2-38 UTILITIES SUPERINTENDENT: The Utilities Superintendent for the City of Winchester, Virginia.
- 2-2-39 WALKWAYS: A pathway between property lines for pedestrians to walk safely on, without highway hazard, to schools, parks, or shopping centers.
- 2-2-40 ZONING ORDINANCE: The Zoning Ordinance adopted by the Common Council of the City of Winchester on April 13, 1976, and as may be amended.